

REMARKS

Claims 1-46 are pending.

In the Final Office Action mailed on February 14, 2006, the Examiner rejected:

claims 1-2, 11-15, 21-24, 26, 33-38, an 44-46 under 35 U.S.C. § 102(b); and
claims 3-10, 16-20, 25, 27-32, and 39-43 under 35 U.S.C. § 103(a).

For the reasons set forth in detail below, applicant submits that the present application, including each of the pending claims is in condition for allowance.

Rejection Under 35 U.S.C. § 102(b) of Claims 1-2, 11-15, 21-24, 26, 33-38, an 44-46

In the Office Action claims 1-2, 11-15, 21-24, 26, 33-38, an 44-46 are rejected under 35 U.S.C. § 102(b) as being anticipated by Olnowich et al. (US Pat. No. 5,680,402).

The independent claims 1, 14, 24 and 36, are hereby amended to further clarify the disclosed technology. These claims are directed to a switch that receives data indicating a new connection through the switch but which is in conflict with an existing connection, wherein the new and existing connections may have the same or different priorities.

In contrast, as Examiner has quoted in page 2 of the Office Action, Olnowich discusses "sending a correction signal which indicates that a port of a switch is part of a new connection," which is different from the recitations of the amended claims 1, 14, 24, and 36. In general, Olnowich discloses solutions to two types of deadlocks in a network. Type-1 deadlock occurs when at least two nodes try to simultaneously multi-cast through multiple output ports of a switch (col. 19, lines 26-51). And Type-2 deadlock happens between two adjacent stages of a multi-stage network and involves two stages of switching

(col. 21, lines 18-43). Neither of the two types of Olnowich's deadlocks is relevant to the problem solved by independent claims 1, 14, 24, and 36.

It should also be noted that all the cited passages by the Examiner pertain to the Type-2 deadlock, which is even more remote from the subject of the rejected claims 1, 14, 24, and 36 than the Type-1 deadlock. In Olnowich's Type-2 deadlock, a stage 1 switch detects a problem (deadlock) and sends a correction signal to a stage 2 switch. This is not similar to the recitations of claims 1, 14, 24, and 36.

For a claim to be rejected based on anticipation under 35 U.S.C. §102(a), (b), and (e), MPEP 2131 requires that: "the reference must teach every element of the claim."

As elaborated above, Olnowich does not teach, suggest, or even imply what is recited in claims 1, 14, 24, or 36 and, therefore, a *prima facie* case of anticipation under Section 102 has not been established with respect to these claims and, therefore, the undersigned requests the withdrawal of the Section 102 rejection of these claims and their dependent claims 2, 11-13, 15, 21-23, 26, 33-35, 37-38, and 44-46 that include the features of these independent claims.

Rejection Under 35 U.S.C. § 103(a) of Claims 3-10, 16-20, 25, 27-32, and 39-43

The Examiner rejected dependent claims 3 and 25 under 35 U.S.C. § 103(a) as being unpatentable over Olnowich et al. (US Pat. No. 5,680,402) in view of Srinivasan et al. (US Pat. No. 6,304,549).

The Examiner rejected dependent claims 4-5, 16-17, 27-28, and 39-40 under 35 U.S.C. § 103(a) as being unpatentable over Olnowich et al. (US Pat. No. 5,680,402) in view of Yasuda et al. (US Pat. No. 5,892,923).

The Examiner rejected dependent claims 6-8, 18, 29-30, and 41 under 35 U.S.C. § 103(a) as being unpatentable over Olnowich et al. (US Pat. No. 5,680,402) in view of Ogimoto et al. (US Pat. No. 6,032,205).

The Examiner also rejected dependent claims 9-10, 19-20, 31-32, and 42-43 under 35 U.S.C. § 103(a) as being unpatentable over Olnowich et al. (US Pat. No. 5,680,402) in view of Latif et al. (US Pat. No. 6,400,730).

Claims 3-10, 16-20, 25, 27-32, and 39-43 depend from the above mentioned allowable claims 1, 14, 24, and 36 and accordingly include the features of these independent claims. Therefore, the undersigned requests their allowance.

Moreover, a *prima facie* case of obviousness under 35 U.S.C. § 103 requires, *inter alia*, a suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings (MPEP 2142). However, as described above, the main reference, Olnowich, does not disclose the elements of the rejected claims alleged and therefore cannot establish, either alone or with other references, a *prima facie* case of obviousness under 35 U.S.C. § 103. Accordingly, the undersigned requests the withdrawal of Section 103 rejection of claims 3-10, 16-20, 25, 27-32, and 39-43.

Conclusion

In view of the foregoing, all of the claims pending in the application are in condition for allowance and, therefore, a Notice of Allowance is respectfully requested. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-6488.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0665, under Order No. 030048029US from which the undersigned is authorized to draw.

Dated: 5/15/06

Respectfully submitted,

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